APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,191	02/18/2000	Paul England	MS1-408US	8393

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EXAMINER
COLIN, CARL G

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/507,191	ENGLAND, PAUL
	Examiner	Art Unit	
	Carl Colin	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 May 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>43-62</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>43-62</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>18 February 2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5/11/2005 has been entered.

Response to Arguments

2.   In response to communications filed on 5/11/2005, applicant cancels claims 1-42 and

adds claims 43-62. The following claims 43-62 are presented for examination.

3.   In response to applicant's remarks, page 8, filed on 5/11/2005, Applicant has cancelled

claims 1-42 and adds claims 43-62. However, the new claims as amended recite similar

limitations to the previously rejected claims, now cancelled. Applicant fails to address how the

new claims as amended are distinguishable over the prior art. The new claims 43-62 have not

overcome the prior art, so they are rejected in view of the same references: Ansell and Herzberg.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived

by the manner in which the invention was made.

4.1   **Claims 43-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

6,367,019 to **Ansell et al.** in view of US Patent 5,745,678 to **Herzberg et al.**.

4.2   **As per claims 43-44, 46, 49-50, 57-58, Ansell et al.** substantially discloses a method

comprising: receiving a request to access a given content (column 2, lines 52-67 and column 13,

line 60 through column 14, line 12); "retrieving serial number and keys from storage medium"

(column 8, lines 18-43) that meets the recitation of retrieving plurality of blocks of data from a

storage medium; and discloses retrieving different sets of data from different fields that meets the

recitation of wherein at least one block of data includes data not contained in a given content

forming *(column 8, lines 18-67);* generating a digest value for each of the plurality of randomly

retrieved blocks of data (column 7, lines 48-64 and column 8, lines 45-58); and further discloses

"comparing digest value to a set of verification data" *(column 8, lines 45-57 and column 7, lines*

50-64), and also discloses "determining that the computer-readable media contains an original

version of the given content if the digest values match a subset of the verification data *(column 8,*

lines 30-67 and abstract) and playback of functionally equivalent version of the given content is

allowed based on the matching" *(column 11, lines 10-55).* **Ansell et al.** does not explicitly teach

randomly retrieving data. However, **Herzberg et al.** in an analogous art teaches randomly

retrieving data to determine if data is valid, the random selection helps reduce the possibility of

forgery, and further discloses authenticating randomly retrieved data for validity by comparing

calculated hash values with stored ones to see if they equal then a determination is made that the

program is either authorized or not based on the matching, for example (see column 2, lines 4-36

and column 5, lines 58 through column 6). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the method of **Ansell et al.**

to randomly retrieving data as taught by **Herzberg et al.** in order to more efficiently validate the

multimedia program because the random selection helps reduce the possibility of forgery as the

checking may be based on part or all of the data (see column 6, lines 18-34 and column 6, lines

35-46). This modification would have been obvious because one of an ordinary skill in the art

would have been motivated by the suggestion provided by **Herzberg et al.** so as to more

efficiently validate the multimedia program to reduce the possibility of forgery.

As per claims 45 and 59, Ansell et al. discloses allowing access to related material if the

digest values match a subset of the verification data *(column 11, lines 10-55)*.

As per claim 47, Herzberg et al. discloses wherein the processes of randomly retrieving

a plurality of blocks of data, generating digest values, comparing each of the digest values and

determining that the computer-readable media contains an original version are performed when a

watermark is embedded in the functionally equivalent version of the given content (column 1,

lines 50-67). Therefore claim 47 is rejected on the same rationale as the rejection of claim 43.

As per claim 48, **Herzberg et al.** discloses further comprising: partitioning a trusted

version of the first content into a plurality of verification data blocks; and establishing the

plurality of verification data by calculating a cryptographic hash value for each of the plurality of

verification data blocks (column 6, lines 18-46 and column 7, lines 35-55 and column 8, lines

40-67). Therefore claim 48 is rejected on the same rationale as the rejection of claim 43.

As per claim 51, **Ansell et al.** discloses controlling access based on specific type of data

that can be played that meets the recitation of wherein controlling access to a functionally

equivalent version of a given content comprises playing a requested music file if the calculated

digests value match a subset of the associated verification digest values (column 11, lines 10-38).

As per claims 52-53, **Ansell et al.** discloses restriction imposed on specific data as a

condition for downloading and playback that meets the recitation of wherein controlling access

to a functionally equivalent version of a given content comprises launching a requested

application program if the calculated digests value match a subset of the associated verification

digest values and preventing installation of a requested music file if any of the calculated digest

values do not match any associated digest value (column 12, lines 56-67 and column 11, lines

45-67) and the use of digest value is disclosed in (column 7, lines 50-63 and further in column

8).

As per claim 54, Herzberg et al. discloses wherein the set of associated verification digest values are stored with the original version of the given content (column 10, lines 38-58). Claim 54 is rejected on the same rationale as the rejection of claim 43.

As per claim 55, Ansell et al. discloses the use of Internet to obtain verification data from dedicated server that meets the recitation of wherein the set of associated verification digest values are available on an internet web site (column 14, lines 1-12).

As per claim 56, Ansell et al. discloses verifying that the set of associated verification digest values come from a known authority (column 2, lines 52-67).

As per claim 59, Ansell et al. discloses wherein the verification module is further adapted to control access to related material if the calculated digest values match a subset of the known valid digest values

As per claims 60-62, the combined references discloses that the invention can be performed with an audio player coupled to a computer system through the Internet comprising processors that meets the recitation of data reading device and further discloses a handheld audio player containing a functionally equivalent version of the given content (see **Ansell et al,** figure 1 and column 4, line 62 through column 5, line 18) and verification module located in a handheld audio player (see **Ansell et al,** figure 5).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The

examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Carl Colin
Patent Examiner
July 12, 2005

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